

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

EXHIBIT 1

**PLAINTIFF STATES' RESPONSE TO GOOGLE'S SECOND BRIEF
TO THE SPECIAL MASTER**

From: "laroy@kkbold.com" <laroy@kkbold.com>

To: "Lance Gaebe" <ldgaebe@nd.gov>, "Koppy, Ryan M." <rkoppy@nd.gov>

Cc: "Jackie Hawkinson" <jackieh@kkbold.com>

Subject: FW: United States vs. Google Subpoena

Date: Thu, 27 Apr 2023 08:29:45 -0500

Importance: Normal

Attachments: NDL_'22_Digital_invoices.pdf

Inline-Images: image001.jpg

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good morning,

Well, good news about the Google subpoena. We have completed our requirements and are free and clear of any further obligations. The only information of yours that we shared was copies of invoices from digital and social media vendors that we received for your billing for 2022. I've attached a copy of what we gave them. Let me know if you have any questions. Thank you.

LaRoy Kingsley

President

O:701-255-3067

C:701-391-3414

laroy@kkbold.com

www.kkbold.com

KKBOLD

BUILDING BRANDS FOR A DIGITAL WORLD

From: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>

Sent: Wednesday, April 26, 2023 4:11 PM

To: laroy@kkbold.com

Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>

Subject: RE: United States vs. Google Subpoena

LaRoy,

Thank you for taking the time to speak with us this afternoon and for producing the responsive documents. Per our discussion, we agreed to limit the scope of Google's Rule 45 subpoenas to your production of 2022 invoices for three entities that you indicated engaged in digital advertising: the North Dakota Lottery, Bismarck Funeral Home, and Western Cooperative Credit Union. After reviewing the materials you sent, we can confirm that Kranzler Kingsley has met its obligations under Google's Rule 45 subpoenas in *United States, et al. v. Google LLC*, No. 1:23-CV-00108 (E.D. Va.) and *In re Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010 (PKC); *State of Texas, et al. v. Google LLC*, No. 1:21-cv-06841 (PKC) (S.D.N.Y.). We appreciate your help.

Kind regards,
Jeanette

To: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>

Subject: RE: United States vs. Google Subpoena

Good morning Jeanette,

I am awaiting your email regarding the information we will provide and the change in the timeline. I'll need that in an email from you to proceed. It should also state that once that information is received that we will have satisfied the subpoena request entirely. Also, a couple of the clients are tribal entities and since they are sovereign nations we are not allowed to share any of their information which I'm sure you understand. We need to move this process along quickly as the remainder of our staff will be transitioning out by May 12th. Thank you for your help.

LaRoy Kingsley

President

O:701-255-3067

C:701-391-3414

laroy@kkbold.com

www.kkbold.com



BUILDING BRANDS FOR A DIGITAL WORLD

From: laroy@kkbold.com <laroy@kkbold.com>

Sent: Monday, April 17, 2023 1:59 PM

To: 'jeanette.bayoumi@freshfields.com' <jeanette.bayoumi@freshfields.com>

Subject: United States vs. Google Subpoena

Hello Jeanette,

We spoke last week regarding the subpoena you sent us. I was hoping to get some remedy for this as soon as possible. As I stated, we are selling the agency and set to close the deal on June 30th. We are operating on a skeleton crew and it would be impossible to provide you with the documentation you are requesting since many of the files have been deleted and most of the people who worked on them are no longer here. This hanging over our head is a major burden that we ask to be relieved. Please let me know the status of this. Thank you.

LaRoy Kingsley

President

O:701-255-3067

C:701-391-3414

laroy@kkbold.com

www.kkbold.com



BUILDING BRANDS FOR A DIGITAL WORLD

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it, use it for any purpose or disclose its contents to any other person; to do so could be a breach of confidentiality. Thank you for your cooperation. Please contact our IT Helpdesk at GlobalITServiceDesk@freshfields.com if you need assistance.

Freshfields Bruckhaus Deringer US LLP has offices in New York, Silicon Valley and Washington, DC. Freshfields Bruckhaus Deringer LLP is a limited liability partnership registered in England and Wales with registered number OC334789, and has offices or associated entities in Austria, Bahrain, Belgium, China, England, France, Germany, Hong Kong, Italy, Japan, the Netherlands, Singapore, Spain, the United Arab Emirates and Vietnam.

Any reference to a partner means a member, or a consultant or employee with equivalent standing and qualifications, of Freshfields Bruckhaus Deringer US LLP, Freshfields Bruckhaus Deringer LLP or any associated firms or entities.

For information about how Freshfields Bruckhaus Deringer processes personal data please refer to this [Privacy notice](#). For further information about Freshfields Bruckhaus Deringer, please refer to our website at www.freshfields.com.

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it, use it for any purpose or disclose its contents to any other person; to do so could be a breach of confidentiality. Thank you for your cooperation. Please contact our IT Helpdesk at GlobalITServiceDesk@freshfields.com if you need assistance.

Freshfields Bruckhaus Deringer US LLP has offices in New York, Silicon Valley and Washington, DC. Freshfields Bruckhaus Deringer LLP is a limited liability partnership registered in England and Wales with registered number OC334789, and has offices or associated entities in Austria, Bahrain, Belgium, China, England, France, Germany, Hong Kong, Italy, Japan, the Netherlands, Singapore, Spain, the United Arab Emirates and Vietnam.

Any reference to a partner means a member, or a consultant or employee with equivalent standing and qualifications, of Freshfields Bruckhaus Deringer US LLP, Freshfields Bruckhaus Deringer LLP or any associated firms or entities.

For information about how Freshfields Bruckhaus Deringer processes personal data please refer to this [Privacy notice](#). For further information about Freshfields Bruckhaus Deringer, please refer to our website at www.freshfields.com.

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it, use it for any purpose or disclose its contents to any other person; to do so could be a breach of confidentiality. Thank you for your cooperation. Please contact our IT Helpdesk at GlobalITServiceDesk@freshfields.com if you need assistance.

Freshfields Bruckhaus Deringer US LLP has offices in New York, Silicon Valley and Washington, DC. Freshfields Bruckhaus Deringer LLP is a limited liability partnership registered in England and Wales with registered number OC334789, and has offices or associated entities in Austria, Bahrain, Belgium, China, England, France, Germany, Hong Kong, Italy, Japan, the Netherlands, Singapore, Spain, the United Arab Emirates and Vietnam.

Any reference to a partner means a member, or a consultant or employee with equivalent standing and qualifications, of Freshfields Bruckhaus Deringer US LLP, Freshfields Bruckhaus Deringer LLP or any associated firms or entities.

For information about how Freshfields Bruckhaus Deringer processes personal data please refer to this [Privacy notice](#). For further information about Freshfields Bruckhaus Deringer, please refer to our website at www.freshfields.com.

This e-mail is confidential and may be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it, use it for any purpose or disclose its contents to any other person; to do so could be a breach of confidentiality. Thank you for your cooperation. Please contact our IT Helpdesk at GlobalITServiceDesk@freshfields.com if you need assistance.

Freshfields Bruckhaus Deringer US LLP has offices in New York, Silicon Valley and Washington, DC. Freshfields Bruckhaus Deringer LLP is a limited liability partnership registered in England and Wales with registered number OC334789, and has offices or associated entities in Austria, Bahrain, Belgium, China, England, France, Germany, Hong Kong, Italy, Japan, the Netherlands, Singapore, Spain, the United Arab Emirates and Vietnam.

Any reference to a partner means a member, or a consultant or employee with equivalent standing and qualifications, of Freshfields Bruckhaus Deringer US LLP, Freshfields Bruckhaus Deringer LLP or any associated firms or entities.

For information about how Freshfields Bruckhaus Deringer processes personal data please refer to this [Privacy notice](#). For further information about Freshfields Bruckhaus Deringer, please refer to our website at www.freshfields.com.

Jeanette Bayoumi

Senior Associate
she/her/hers

Freshfields Bruckhaus Deringer US LLP

601 Lexington Avenue, 31st Floor
New York, NY 10022
T +1 212 277 4043 | M +1 646 284 7200
Jeanette.Bayoumi@freshfields.com

From: laroy@kkbold.com <laroy@kkbold.com>
Sent: Wednesday, April 26, 2023 10:11 AM
To: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

That will work well. Thank you.

LaRoy Kingsley
President
O:701-255-3067
C:701-391-3414
laroy@kkbold.com
www.kkbold.com

KKBOLD

BUILDING BRANDS FOR A DIGITAL WORLD

From: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Sent: Wednesday, April 26, 2023 8:53 AM
To: laroy@kkbold.com
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Hi LaRoy,

We are available today at 1pm ET/ 12pm CT. My colleague Lauren (cc'd) will circulate an invite for that time.

Thanks,
Jeanette

From: laroy@kkbold.com <laroy@kkbold.com>
Sent: Wednesday, April 26, 2023 9:09 AM
To: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Hi Jeanette,

I received your message this morning. I am available today up until 2:00 PM central time. Please call my cell at 701-391-3414 or send me a meeting invite. I have not received any emails from your group.

LaRoy Kingsley
President
O:701-255-3067
C:701-391-3414
laroy@kkbold.com
www.kkbold.com



From: laroy@kkbold.com <laroy@kkbold.com>
Sent: Tuesday, April 25, 2023 10:12 AM
To: 'BAYOUMI, Jeanette' <Jeanette.Bayoumi@freshfields.com>
Cc: 'VACA, Lauren' <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Good morning,

We have come to a critical point with this subpoena. The group who are buying my business are considering pulling out of our agreement because this subpoena is active and hanging over my head. This will have devastating consequences and could force us into bankruptcy. We need to have this withdrawn so we can complete this sale. Many jobs and livelihoods are hanging in the balance. Please remedy this situation for us as soon as possible.

LaRoy Kingsley
President
O:701-255-3067
C:701-391-3414
laroy@kkbold.com
www.kkbold.com



From: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Sent: Thursday, April 20, 2023 1:12 PM
To: laroy@kkbold.com
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Thanks, LaRoy. I'll be out of the office Friday and Monday. I'd be happy to schedule a time to speak on Tuesday or Wednesday of next week. Please let us know if that works and your availability for a call then.

Best,
Jeanette

From: laroy@kkbold.com <laroy@kkbold.com>
Sent: Thursday, April 20, 2023 1:47 PM
To: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Thanks Jeanette. Yes 2 of those clients are tribal entities (casinos). So we will have the North Dakota Lottery, Western Cooperative Credit Union and Bismarck funeral Home. I am busy from 4:00- 8:00 today but would have be open most anytime tomorrow.

LaRoy Kingsley
President
O:701-255-3067
C:701-391-3414
laroy@kkbold.com
www.kkbold.com



From: BAYOUMI, Jeanette <Jeanette.Bayoumi@freshfields.com>
Sent: Thursday, April 20, 2023 11:28 AM
To: laroy@kkbold.com
Cc: VACA, Lauren <Lauren.Vaca@freshfields.com>
Subject: RE: United States vs. Google Subpoena

Hi LaRoy,

Thank you for your email. As discussed on our call on Tuesday, we agreed to extend Kranzler Kingsley's time to produce documents in response to Google's Rule 45 subpoena to May 5, 2023.

Additionally, on our call, you indicated that you have documents that would be responsive to our subpoena requests for five of your clients who use digital advertising. We can agree to limit the scope of the subpoena to just those five clients. Are any of the tribal entities you mention below part of the 5 that use digital advertising?

Lastly, regarding costs, would you have some time this afternoon to discuss? I'm available between 3:30-5pm ET.

Thanks,
Jeanette

Jeanette Bayoumi

Senior Associate
she/her/hers

Freshfields Bruckhaus Deringer US LLP

601 Lexington Avenue, 31st Floor
New York, NY 10022
T +1 212 277 4043 | M +1 646 284 7200
Jeanette.Bayoumi@freshfields.com

From: laroy@kkbold.com <laroy@kkbold.com>
Sent: Thursday, April 20, 2023 11:45 AM